

BOARD OF MEDICAL LICENSURE AND DISCIPLINE
FULL BOARD
MINUTES OF MEETING
13 DECEMBER 2006
Open Session
Minutes

Board Members in Attendance:

David R. Gifford, MD, MPH, Chair

Patrick Barry, Esq.

Thomas Breslin, MD

Norm Chapman

Margaret Coughlin

Charles Cronin, DO

Robert Dinwoodie, DO

Joseph DiPietro, Esq.

Richard P. Iacobucci, MD

Noubar Kessimian MD

Henry Litchman, MD

Shelagh McGowan

Staff Members in Attendance:

Robert S. Crausman, MD, Chief Administrative Officer

Linda Julian, Investigator

Mary Salerno, Administrative Officer

1. A quorum was established at 8:35 AM.

2. On a motion by Mr. DiPietro seconded by Dr. Kessimian it was voted to approve the minutes of the 7 December 2006 Licensing Committee Meeting with the following additions: After deliberation by the Licensing Committee the reinstatement application of Frank Feiner, MD was denied and the application of Kenneth Philips, MD was approved.

3. On a motion by Ms. McGowan seconded by Dr. Cronin it was voted to approve the minutes of the Open Session of the 8 November 2006 meeting.

4. Chief Administrative Officer's Report

A. Recent Board Orders and activities were discussed.

B. Medical Malpractice Insurance for RI Physicians: The law, RI General Law 42-14.1-2 (2006), states that RI Physicians are required to have medical malpractice insurance. However, regulations stating specific requirements for this law have yet to be written. Dr. Gifford will speak to the Director of Business Regulations regarding writing the malpractice regulations or guidelines.

Physicians with hospital privileges are covered under the hospital policy but there are a small number of physicians with no actual

coverage. In some states such as Florida there is a Good Samaritan Act where physicians can volunteer their time and be covered for malpractice insurance under this act. Dr. Gifford stated that this year a bill would be introduced to the legislature for the Good Samaritan Law for states of emergency such as pandemic flu. Mr. DiPietro suggested that it might be easier to amend the Immunity Statute rather than introducing a new law.

C. Fatal Chelation Therapy: The Board discussed the Pennsylvania Disciplinary Action and the fact that there are no actions against RI physicians pertaining to this therapy.

D. Public Citizen Survey and Ranking of State Medical Board Websites; and Public Access to Data Statute 5-37-9.2: The Board will now take a more proactive approach to pursuing out-of-state actions by posting these on the BMLD website as they happen; rather than waiting to take a reciprocal action. Felony information will now be included with posted disciplinary actions and hospital actions and Board certifications will now also be posted on the web as they are received.

E. Dr. Crausman presented to the Board a report on BMLD 2006 Disciplinary Actions. There were a total of 14 sanctions and 2 of these were reciprocal actions. Dr. Crausman reviewed each action with emphasis on the following areas: Disruptive behavior; wrong-site surgery; violation of the patient/physician relationship;

training licensee monitoring; terms of reciprocity; and felony charges

The difference between suspension of a license and revocation of a license was discussed. When the Director of the Dept. of Health summarily suspends a physician's license the physician can request a hearing within 10 days. Revocation of a physician's license means that the physician's license is taken after due process and the physician may apply for reinstatement after 5 years while demonstrating that the reason for revocation has been remediated.

5. Old Business:

Suggested future Board discussion: Pharmaceutical sponsored clinical research and product sales in the office. Possible related literature includes a paper by Sean David and Dean David Greer titled, "Social Marketing."

Telemedicine

6. New business:

None presented

7. At 9:45 AM the Board adjourned to Executive Session.